

APPROVED

**PLANNING BOARD MEETING
DECEMBER 14, 2015 @ 7:00 PM
CITY HALL AUDITORIUM
62 FRIEND STREET, AMESBURY, MA**

Meeting called to order at 7:08 PM.

Present: Ted Semesnyei, Howard Dalton, Robert Laplante, David Frick, Scott Mandeville, Lars Johannessen and Karen Solstad.

Absent: None.

Also Present: Nipun Jain, City Planner; Paul Bibaud, Recording Secretary.

MINUTES: 11-23-15: With a few typo corrections, Robert Laplante made the motion to accept as presented. Lars Johannessen seconded the motion. AIF.

SIGN APPLICATION:

RIVERWALK GALLERY LLC, 57 Main Street - Carolyn Ramm

Carolyn Ramm, Owner/Proprietor: This is a hanging blade sign that will extend out from the building less than 36 inches.

Nipun Jain: The PLB design subcommittee made a recommendation to approve. There were a few recommendations that went for approval: one was to see if the bar around the sign could be added to with another bar to enhance it. Second, if the sign has got a three dimension to it, meaning is it a carved sign or just one plain sign, and if it is, to see if the letter R could be raised for the white background, is it white, off white or pale white?

Curtis Chambers of SIGN ART out of Malden, who is our sign contractor, who has the pantone chips if you wish to see the color: The color is off white, sort of oyster. We'll work with you to achieve the best possible end result. The sign should be one inch thick, and the border could be broader wider border around the sign. It will be made of high density urethane. It will be weighted so it doesn't flap or fall off. It will have one inch steel bars coming from the bar that comes out from the building. It will be attached to rigid bars descending from the cross piece, rather than on a chain. The committee also requested some relief and not just a flat sign, maybe some depth. So anything can be carved into this material much easier than wood to work with. The R should be in high relief.

Motion was made by Lars Johannessen to accept with the minor changes that we have suggested. Motion was seconded by Scott Mandeville. AIF.

Vote was 6-0 with Karen Solstad not yet present.

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**FAIRFIELD INN/MARRIOTT: 35 Clarks Road, Amesbury, MA
One Wall Sign and One Free Standing Sign.**

Michael Privitera representing Privitera Signs

Michael Privitera: We just want to change the existing signs that are there to updated versions of the same. Same size, same square footage, just a face lift and more modern.

Nipun Jain: The design subcommittee did review the sign package, the signs that are being replaced are not in the same square footage as those that currently exist on the site. The free standing sign is actually being reduced and the subcommittee approved that as presented. The building sign is becoming larger than what is there, but the subcommittee was satisfied with the sign as proposed.

Motion was made by Robert Laplante to adopt the subcommittee recommendations to approve both signs as submitted. Motion was seconded by Scott Mandeville. AIF.

Vote was 6-0, with Karen Solstad not yet present.

Motion was made by Ted Semesnyei to move the Continued Public Hearings up and to take the Pre-Application Conference later. Motion was seconded by Lars Johannessen. AIF. Vote was 6-0 with Karen Solstad not yet present.

CONTINUED PUBLIC HEARINGS:

29 and 37 South Hunt Road – ARC TECHNOLOGIES – Site Plan – W.C. Cammett Engineering

Nipun Jain: The peer review for the PLB has completed the supplemental review of the information provided by the applicant. A review letter was issued late this afternoon, and you should have a copy of that on your desks. There are no outstanding technical issues outstanding at this point. There are a few items that the consultant has recommended that the applicant provide to PLB, in order to complete the approved site plan package. There are four basic items that need to be provided: an updated landscaping plan, updated lighting plan, to add the landscape buffer along one of the property lines, as per the allowed regulations, and to update the storm water report. So there are no outstanding issues. Based on that, I take from the planning office we recommend, if the PLB wishes, we can approve the project based on the condition that those information be provided by the next meeting and I can have a draft decision for PLB at the next meeting. I spoke with the applicant about the landscaping plan, and their desire is to have a condition that it be finalized with PLB prior to issuance of the building permit. They would rather have a little bit more understanding of the site conditions, specifically the soil conditions. Once the road is laid out, they will have a better understanding as to what works better. But yes, prior to the issuance of the building permit.

Woody Cammett. Cammett Engineering: We talked to Stantec and went over those points. We have no problem making those changes in the plan prior to PLB signing them.

Motion was made by Robert Laplante that the PLB adopts the recommendations of City Planner with the stated conditions. Motion was seconded by Lars Johannessen. AIF. Unanimous 6-0 vote, with Karen Solstad not here yet.

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Nipun Jain: I will have the draft decision for the next meeting. The plans need submitting by Dec. 28.

**60 MERRIMAC STREET – HAT FACTORY OFFICE BUILDING
REVISED SITE DEVELOPMENT PLANS – Dated November 10, 2015
Applicant: Hatter's Point Marina Parking, LLC
Representatives: (P. Gagliardi), (C. Rokos)**

**Request continuance to the January 25, 2016 meeting.
Robert Laplante recused himself.**

Motion was made by Lars Johannessen to accept continuance to Jan. 25, since we have all the paperwork in hand. Motion was seconded by Scott Mandeville. AIF. Vote was 5-0 with Karen Solstad not yet present and Robert Laplante recused.

**13 LAKE SHORE DRIVE - SPECIAL PERMIT, WATER RESOURCE
PROTECTION DISTRICT – SECTION XII
REPRESENTATIVE: W.C.CAMMETT ENGINEERING; APPLICANT:
ANDREW GREENFIELD.**

~ AND ~

**13 LAKE SHORE DRIVE- SPECIAL PERMIT: WETLANDS AND
FLOODPLAIN PROTECTION DISTRICT OVERLAY
REPRESENTATIVE: W.C.CAMMETT ENGINEERING; APPLICANT:
ANDREW GREENFIELD.**

Nipun Jain: I have the signature page for the decision. The decision basically states that the project is approved subject to the OoC as issued by ConCom.

Motion was made by Ted Semesnyei to approve to both Special Permits. Motion was seconded by Lars Johannessen. AIF. Vote was 6-0, with Karen not yet present. Motion to close both these public hearings was made by Lars Johannessen. Motion was seconded by Ted Semesnyei. AIF. Vote was 6-0 with Karen Solstad not yet present.

PRE APPLICATION CONFERENCE:

77 Elm Street - Existing building for retail and office use

Applicant: David Martin, Martin Development.

Howard Dalton recuses himself from this hearing.

Nick Cracknell, 13 Picard Street, representing the design team for the project on 77 Elm, called MILL 77. The project proponent is here, John Martin. John's proposes to adaptively re-use the 21 odd thousand square feet of historic mill space in 77 Elm Street. Our design team, in putting together this site plan application, which is scheduled for a public hearing. We filed an application for site plan review. The public hearing is scheduled for January 11th and we have a very inter-disciplinary team of people who put this together. I was the second to last person to enter into this project. Horsley-Witten has taken the lead, doing all the site civil work. I worked with Horsley-Witten 3-4 years ago with John Manchester. Brian Kutcher from Horsley-Witten prepared all of the plans that you'll be reviewing from now through Jan. for the public hearing, in respect to the site civil work. Howard Sneider did the landscape plan. DisStefano Architects in Portsmouth did the architectural elevations that are included in the plan set. Jeff Dierks, who did the traffic studies for CVS several years ago, is with Vanessa and Associates, will do traffic. That rounds out most of our design team. We have structural engineers working with David also. David is looking to reprogram the ground floor of this building with either retail or a restaurant. We don't know what the market will bear, and parking is always an issue for this property. We moved forward some plans from the John Manchester days and we are proposing a 19 or 18 space parking lot up on Fruit Place. As a result of that, providing at least 24 -25 off street parking spaces with this particular property, which has always been its shortcoming. I think we've retained 5-6 behind the building on what we're calling the Fruit Place Extension, a private way which connects Fruit place with Clark Street, which comes down off Market Street. We are proposing to grant the city, if they want it, an easement for formal public access from the end of Fruit Place, through the back of the site, to Clark Street. There are currently infrastructure and utilities in the Fruit Place extension. What we hope to do tonight is to give you an overview. There will be plenty of in-depth detail in January, but wanted to have a settled board in January with a possible new member that we'd like to be able to vote on the project. We'd like you to think about giving us guidance on getting the peer review process started, so maybe when we show up in January, we've got some feedback on traffic and site plan. Should we be so lucky as to get a restaurant on the ground floor of this building, we know we've got to come back to PLB to be able to support the off street parking or go to ZBA for a variance. Frankly, I can't see a restaurant going in there with a variance and surviving. But we might be lucky enough to get a restaurant on a portion of the ground floor, we're well aware that we are considerably short of the mark on what ZBA requires for off street parking. So we'd just ask for consideration from PLB to conditionally approve the retail or the restaurant. John Manchester already got a special permit from this board to put retail in the ground floor, and later for the second floor as well. The IC district requires a special permit for even retail uses in a building in this industrial district. If a restaurant is needed, but we have filed for a special permit, even if it is only retail on the ground floor, just to be safe. Even the retail numbers are going to indicate we have a significant shortfall, because the zoning parking requirements are still kind of suburban and this mill is really one of a kind downtown without any ability to

either free ride off the garage or the parking lot on Friend street, or have sufficient land like the Cedar Street Mills who have a fair bit of real estate that went with those buildings. We are prepared and planning to file a variance application with the ZBA to deal with our parking. So we ask you to accept this as a complete application and start the process, and we will concurrently work with ZBA on the parking requirements. I hope ZBA feels this time the way they did a few years ago, and grant a variance, given we're 50-60 feet further away as the crow flies from the parking deck, then we'd need to be able to use it without going to ZBA. We just want the site plan approved with a special permit to be able to have a restaurant, with the condition that we come back to the PLB should we get a restaurant. Then we would amend the plan at that time. (Karen Solstad arrives at the meeting).

Looking at the proposed use plan as it stands, Jeff Dierks found no adverse impacts of this proposed use plan. A restaurant may alter his opinion. But looking at office uses and retail as proposed as the base line project, there is no adverse impact on the turning movements, cueing, and the level of service on Market, Clark, or Elm Streets. Jeff will be at the hearing in January to discuss all this with you. I'd just make a request: Instead of hiring another traffic engineer to review a report that indicates this is not a complex project, (Jeff's words), this is very straight-forward, that PLB in this instance, given it's a limited project, request the traffic and transportation committee review it on your behalf, knowing Eric is there as a certified licensed traffic engineer, to provide feedback. It's just an idea, but it seems like a good approach, given the very limited project we've got here. But do whatever deem appropriate.

Nipun Jain: I'll cover the procedural and administrative aspects pertaining to the application. The application was submitted in time to be heard as a public hearing in December, but I requested the applicant to consider having the hearing in January given the change in membership on the board, so we continue to have the same membership as the project gets discussed and the applicant was okay with that. But they did request that the PLB approve the peer review consultant for the board to start the review of the documents. So that is one action item we'd ask the PLB to take up the idea to authorize Stantec to do the review of the engineering documents pertaining to this project.

Lars Johannessen made a motion of "so moved". Motion was seconded by Scott Mandeville. AIF. January 11, 2016 is the meeting this public hearing will be heard.

Nipun Jain: So we want to get the review started with that. Also, we need to start looking at the architectural with the subcommittee, and we do have some drawings in here and I had some questions for the architect in terms of finishes and materials so that the subcommittee can get back to the design team. If there is a preference for a date that works with the design team, we'll communicate and find out what works.

There might be another special permit needed, if the lots are separate. PLB has a regulation that requires a special permit to be granted for a parking lot that is not on the same lot, but that is just administrative.

Nick Cracknell: We may have to create a subdivision to give fee simple ownership, which I'm not saying we're prepared to do at this point. It may not be the path of least resistance. It may be through a formal easement across Mr. Martin's property to avoid the cost of a subdivision. We'll look at the best pathway forward. If we need a special permit because we're going to do a subdivision, or not merge the lots, which would be an

ANR, which is a lot less complicated than a real subdivision, we'll have to figure that out.

Nipun Jain: The assessor's record shows that there are two lots/two parcels. So from that point of view, there might be a need to file some extra paperwork, but just thinking of those aspects now, so that if you have to have either legal assistance from our site (PLB) then we better start doing that now.

Nick Cracknell: Can I make a request? Since I'm guessing the legal ad has not gone out for the project yet, (correct: per Nipun), I'd like to request, given this is new and we've filed for a special permit for the use, that the board consider waiving the fee and we tack this special permit on to the legal notice, so we don't have to pay another fee for simply another ad, because it should fit into the ad. Mr. Martin is paying for the ad, so it might be a few more words, but that would be fair.

Nipun Jain: Yes, that would just be a few more words. That's part of the reason we held off on posting the ad, just to get this issue out today. The most important thing for the PLB to do now is really start doing the design review part, because there are some improvements being made to the building, and as part of the review process, if you guys have any input, suggestions...now would be the time for the developer to know that that is what you are looking for, rather than when those improvements have already been made.

David Frick: Couple things from me: One is I'm sure Mr. Cracknell can work with Nipun on getting the money in so we can get moving with Stantec ASAP. Second, is there anything going on the exterior part of the building? Or will all the work be done inside?

Nick Cracknell: There is a lot of work already being done to the exterior. Repointing, replacing the windows, solar panels have been removed off the roof. The loading docks, the brick addition and the elevator shaft have all been removed already.

Nipun Jain: Now one aspect that doesn't pertain to this but to the project, are you making a filing to any other board?

Nick Cracknell: Yes. We filed yesterday with ConCom a Notice of Intent, because of that river that is underneath the building and is daylighted over by the transportation center, where the backriver comes out underneath Elm Street. Our 100 foot buffer is shown on one of these plans, just so you could see it. From where the river is daylight, not underneath or channelized. This portion of the building where we do not plan any alterations to beyond repointing and new windows, and the city has recently done a lot of infrastructure improvements out there (sidewalks + roadway), because we actually are doing some limited work there, we had to file, and did so yesterday, for a NOI with ConCom. We'll be filing with ZBA even for the retail parking that we are short on the building.

Ted Semesnyei: So it looks like you are abandoning the idea from last time of putting spots for parking at the gas station.

Nick Cracknell: Yes. There was some kind of informal agreement between C.K.Smith and my former client, John Manchester, but that was never put in the form of a legal easement, so that parking was never formally bound to this property, and certainly should David be successful in finding a restaurant, that is the first place we'd go, back to that owner and try to improve that space between the gas station and the wooded city property closer to Gillis Park and the old train station. It would likely be a much higher level of improvements than we saw with the past project.

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Ted Semesnyei: Regarding the suggestion of the transportation commission, personally I wouldn't feel comfortable with that, given I know there's been a lot of changes proposed or gone forward with that committee, and also considering we just went to one way on Clarks Street, I'd be more comfortable in getting the input of an outside perspective.

Lars Johannessen: Is this in the same designation as the transportation center parking?

Nick Cracknell: Apparently because it is not owned by Amesbury, it is owned by MVRTA, it doesn't apparently count. But that's part of the argument in getting the variances that that parking does exist, it is not fully utilized, it doesn't make a lot of sense to me that it is not public parking over there, but it is what it is. We'll look into all that with Nipun.

Karen Solstad: I thought when we permitted the Senior Center, one of the perks was that there would be this additional parking available to the public.

David Frick: Since it gets a lot of daytime use, it might not. But for a restaurant and after 5:00 PM type of thing, sure. We'd love to see that building put to good use.

Nick Cracknell: Thank you. See you in January.

ADMINISTRATIVE:

37 Middle Road – Eastern Lights - Bond Estimate and Interim As-Built Survey

Representatives: Tom Anderson and Millennium Eng. Inc., Taylor Turbide

Taylor Turbide: At the last meeting, there was information you were looking for. We've given most of it to Nipun and submitted an As-Built plan as the site stands. We reviewed it and everything is in reasonable compliance with the design. All the drainage has been installed as it was intended, detention basins are pretty much all installed. I also submitted a cost estimate which to my understanding is that both items have gone out for review. We have not heard from them yet. Most recently I just submitted to you a construction schedule which we intend to adhere to. Throughout winter we'll just be inspecting the site, making sure erosion control remains in place, which it is today. In April, we plan to start construction. We actually did this schedule conservatively so we're not trying to mislead PLB. Ultimately the thing that will hold it up mostly is a culvert crossing that needs to be put in, downhill from the site, across Middle Road. We don't anticipate getting into that until maybe July or so. Then the repaving happens.

Nipun Jain: To recap: We contacted the development team in October to get a better understanding, the city officials as to what is holding up the project from being completed. There were a couple things we wanted to get a better handle on. 1. some of the work had been done, then there was stop work because things had not been inspected by the board's inspectional engineer. At that time, the work stopped, because the zoning compliance officer put a Cease and Desist order on it, besides there being some environmental issues, as well. Since that time, the applicant did come back to ConCom and addressed the environmental concerns, and the Cease and Desist order was lifted, but we didn't see any activity all summer. So our growing concern was that the existing improvements, or the improvements that had been made might further deteriorate and require stabilization or to be fixed up, plus we wanted PLB's inspectional engineer to confirm that any infrastructure that may have not been inspected but has been installed has been done so per the PLB regulations. So Mr. Turbide said, the As-Built was sent to

Horsley-Witten, the inspectional engineering firm on the project. The estimate for the performance bond was also sent to them. They did send back a comment, which I forwarded to your office. They had requested some clarification, including questions about the performance bond, and I had asked Millenium Engineering to provide that information to Horsley-Witten. This schedule we received today, and I think you may want to have this also be confirmed with Horsley-Witten group. We have our DPW director here, so you might to just give him a schedule for his record, as well.

Taylor Turbide: Yes, I can forward you a PDF as well as Horsley-Witten. Also, I understand financing is in place with the bank already, so as soon as this is approved, they are prepared to put up a bond to finish construction. The total on that is \$237,000.

Nipun Jain: The performance bond comes into play when you are releasing lots. The lots are released when the roadwork and infrastructure are complete.

Taylor Turbide: The passbook, I'm sorry.

Nipun Jain: The passbook, too, and I'll leave it to the senior members of PLB to talk about this as well. Lots are released when the road is up to binder course. Then once that is done, then the work that is remaining is bonded, and the lots can be built upon. But we're not at that point yet. We've been telling the developer that. The offsite culvert work was supposed to be done first, before anything happened on the site. The project started, the applicant/developer requested that they be allowed to do the site work, and before any lots were released, that they would complete the culvert improvement. So it's important for you to remember that, since its been a very long time.

This is just an update. Before you as a PLB can do anything, we still need the sign off from Horsley-Witten on the As-Builts, still need to have the sign off on the bond estimate.

Robert Laplante: So for the record, we should be expecting something by mid summer.

Taylor Turbide: Absolutely.

Karen Solstad: Can I ask a clarification, for the record? The overview by Nipun stated that we requested the applicant to come before the PLB, but was that Oct. 2014?

Nipun Jain: 2015.

Karen Solstad: But we've been asking the applicant for a whole year. The Cease and Desist was put into place in Jan. or Feb. of 2015. I just wanted to clarify that the C+D order just didn't happen the end of last month and it has been two weeks. It has been 11 months of waiting for something to happen. Every single meeting we've had, this has come up.

Nipun Jain: The C+D order was lifted in late spring, so work could have happened all summer. It just didn't happen.

Lars Johannessen: Could I also request when Horsley-Witten has reviewed this work schedule, that they put the year on it?

Scott Mandeville: I'd also like to make a request for this schedule. The PLB did receive at least one letter from abutters here, who have been burdened with this 7-8 year construction site. What are the plans for addressing that site edge? There has been some discussion of some fencing or screening? I'd like to see it on the plan the re-establishment of any erosion issues that we have. Make sure stockpiling against a fence?

Taylor Turbide: I'd have to look at what was approved on the definitive plans.

Technically, that is what they are obligated to. Anything beyond that is something they would have to work out with their neighbors.

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Nipun Jain: The complaint was about the erosion control falling, and failing, which has led to debris and other issues along the wooden fence as you enter the site. It is falling down.

Taylor Turbide: I was there today, and most appeared to be in decent shape, but we'll look at it.

Motion was made by Lars Johannessen for Mr. Turbide to send PDF's of the schedule to department heads at city hall. Motion was seconded by Robert Laplante. AIF. Vote was 7-0.

Karen Solstad: Can we get a copy of the original decision and the landscaping plan? And how does Horsley-Witten usually work with the developer? If there's any issues at all, does the developer contact Horsley- Witten and ask them to come down and look at this? Because I think that has been a problem this project, in the past.

Nipun Jain: I can get you copies of those. Second, in a project that follows the normal course of construction, before the project starts, there is a project schedule that is outlined by the developer, with estimated dates for inspections and milestones that are required under the subdivision rules and regulations. The developer would discuss those estimated milestones with the PLB inspectional engineer, and if 48 hours prior to that milestone arrives, they confirm if that date is still firm or not. Horsley-Witten has not received that information at some times during the prior construction phase, and that has led to the non-inspection of some of the infrastructure work. They have also been frustrated with the fact that they don't know when work will re-start, so they've had to go out without knowing if there will be any work or not. That's a problem and we'll ask that, when they do start up construction, that they again go over up to dates and milestone with Horsley-Witten, so we don't end up having a situation where work gets done on the site and it is not inspected.

Karen Solstad: I stress the extreme importance of excellent communication between all players from here on out.

Nipun Jain: One more thing on inspections: There has been some change in the personnel at Horsley-Witten, and they have asked us, if the PLB still wants H-W to do the inspections for this project, given some of the personnel might be coming from far away, which might affect the costs of observation. We do have contracted with Stantec to do the inspections of several projects, and are in town anyways for inspections of those projects. If the developer wants to change, now would be the time to change, before work gets started. H-W works out of Sandwich, MA. Stantec works out of Nashua, but are in town often. Mr. Turbide, please discuss that with the applicant. Keep in mind, I want to make sure that issue is laid to rest. I don't want to change consultants mid-stream. So we'll have a discussion and then propose a meeting date once you have all you need to return to PLB.

36 Haverhill Road – Amesbury Heights

Erosion Control Plan, Conservation Schedule and Utility Permit.

Nipun Jain: There is no action required tonight on 36 Haverhill Road.

19 Evans Place Subdivision – Current Status Review and Petition

Representative: Rick Saba – Amanda Lane Realty Trust

Nipun Jain: I sent out a petition to you all. On Friday, we got this petition from the signatories, raising some concerns regarding the ongoing construction on point Shore. We had sent out a request to the developer, Mr. Saba, and our DPW director, to be available to discuss this tonight with the PLB. They are here tonight. We did get a letter from the developers that I will pass out to you now. The engineer on record for the developer, Mr. Osgood, wrote this letter. The summary of that letter from Mr. Osgood is that the project storm water design was reviewed by the PLB consultant, and was found to be adequate and in compliance with the PLB regulations. I don't have it here, but we have several inspectional reports from the Stantec, stating that the construction that has taken place to date on the subdivision is as per approved subdivision plans. Mr. Saba is here.

David Frick: According to this, it is saying that Mr. Saba offered "to drain the pond by laying new pipe along the northeast uphill side of Evans Place main. This would divert the runoff around their properties and into a small stream that flows under the street and into the Merrimac River. The current plans omit the promised drainage extensions concerning intended increase rather than reduce the flooding." Is this accurate, what they are saying, or no? Where are we on this?

Nipun Jain: I don't know who promised who, or what was promised to the abutters. The prevue under the PLB for any improvements is, the subdivision rules and regulations. The improvements that are associated with a proposed subdivision have to conform to those performance standards. It may have been discussed informally with the developer or engineer with the abutters, but technically it was not required, then it might not have been proposed. But I am not an engineer, so there are other engineers associated with the project who can provide more input.

Robert Laplante: Can't we refer this to an engineer for a professional opinion?

Nipun Jain: Why would you do that, because under the PLBs jurisdiction, a developer proposed a project, your third party peer review independent consultant reviewed that proposal and the accompanying storm water design and details, it was reviewed by city officials and found to conform, it is being built as per the plans that you approved, I don't see what PLB would require for another consultant were to review the plans that have already been reviewed. If there is a concern, there are two concerns. The water goes from one property onto someplace else.

Robert Laplante: I concur with your observation. If that is the case, why are we addressing this at all?

Nipun Jain: Because it was addressed to the PLB. We need some sort of direction from the board that oversaw the approval of this project, which is somehow related to the complaint of these residents. So there are two pathways: 1. was there a problem with the approved subdivision and design? If that is not the case, then is it in the public right-of-way. I have the DPW director here to shed light on this issue.

DPW Director Rob Desmarais: Here is what I know prior to this development going in: So my first encounter with this neighborhood was in 2006. An A+R lot was built, the last vacant lot in the neighborhood. The neighbors came to me because they were concerned about flooding, because basically that lot filled up with water and whoever was building a house was going to fill up the yard. I explained to them (they did the same thing, as they each built a house, they built it a little higher than usual). About that same

time, we had the Mothers Day flood. That was 17 inches of rain, the area did flood, I don't think there was any permanent damage or costly damage. I really don't know. I've not heard from the neighborhood since. I checked our work order records, I have no complaints about any outstanding work orders in that area or complaints about drainage. I am generally aware that it is a wet area especially in heavy rain storms. Mr. Lukens, the author of the neighborhood letter, came to me 3 weeks or a month ago, presented me with the petition that was addressed to the mayor's office I believe. I explained to him a little bit about the PLB process and then said "maybe we can work with the developer to see if we can divert the pipe. This is not the agreement that the petitioner is referring to, This is something I came up with myself. I visited the site, talked to Mr. Saba, he said perhaps there is something we can do. No commitment on his part or anything. We then looked at different design options, etc. to see if we could have any kind of partnership or cost savings from the developer to solve this problem. Apparently the residents couldn't wait, so they re-submitted the petition and it got here. And here we are. The problem according to our review, Pete Manor reviewed it, I reviewed it this afternoon, BSC reviewed the drainage calculations in the past and they were in compliance. But the 100 year design storm that everything is designed for is 6.5 inches. That is what is required per the PLB regulations. They got a problem when we got 17 inches of rain, obviously. Everything is designed to 6.5 inches, even if I tore up the whole neighborhood, they'd get 6.5 inches. We'd still have a problem. It is a low lying area. It's an existing problem. I see no problem with this development on the surface. We all did our job. Now it's a resident's demand for improved infrastructure in the area. That's how I sum it up best.

Scott Mandeville: Given the age of the pipe and the fact that we may be experiencing issues with it, is there a possibility that as we look at replacing that infrastructure, will you be upsizing that pipe, not based on regulations but perhaps based on observations of the local conditions?

Rob Desmarais: To a certain extent. When we upgrade a culvert, we try to meet 100 year design. Sometimes, that is not feasible. Generally, it is not practical to design for 17 inches of rain.

Karen Solstad: When we first started working on this project, that there were question raised by residents about the problems they were having with this culvert back then. That came up in initial discussions. Perhaps the neighborhood felt that this would be the time to wrap up the whole problem and get it fixed.

Nipun Jain: As Rob said, there is a sense of frustration on the residents' part. An existing issue would have been good to have it resolved. Jurisdictionally, to expect every development that happens to solve existing infrastructure issues for the city is out of reach. That's why we have performance standards and in this case, within jurisdictional area of PLB, PLB did what it could, meaning assure there was no adverse impact to the neighborhood residents because of the project. If there was need to upgrade infrastructure, off site, then it would have been required. But there was no need demonstrated.

David Frick: That storm you are talking about lasted 3 days, and closer to 22-23 inches of rain. You just have to be reasonable. If neighbors wanted it fixed, they all have nice homes. Maybe they could do something as a group.

Rob Desmarais: Ultimately it comes down to the mayor's office. It usually falls to me to execute a solution. My problem is that I heard from them in 2006 after 17 inches of rain. I have not heard from them since. So I don't know if they are just concerned about

these massive storms or it is a nuisance flooding problem frequently. We're looking at it. We are in the process of reconstructing that road. But projects we do take years. I apologize for inconveniencing you with this, but we're filling out 2018 for our construction schedule right now. That is not what anyone wants to hear when they say they have a drainage problem. I don't think the project will significantly impact the neighborhood.

Ted Semesnyei: I'd request that every once in a while, even informally, we get an update on how things are progressing.

Rob Demarais: We have year paving / construction plan covering sidewalks, drainage, paving, guardrail engineering, water / sewer work. We release it on the website. Every year we tweak it to make it better. One of the suggestions we'd like to do is have all our infrastructure data that we have we'll make it available. We'll discuss what format you'd like that in with Nipun, so you can look at infrastructure in that area. We have 90% of the data for all our infrastructure, and we are ready to move forward into the next phase of existing data.

Nipun Jain: To close out this issue that we have, I need a couple of pointers from the PLB. 1. I'd like to send out a letter to the addressee, stating that the matter that you brought to our attention is really not pertaining to PLB jurisdiction at this time. The proposed project was reviewed and endorsed by the peer review consultant to proceed as it was in compliance. The construction to date is in compliance. So if they have issues with drainage, they need to take it up at another venue. 2. Maybe a letter to Rob, to assess if there is any need for immediate attention to existing infrastructure from a long range capital improvement plan that might eventually address the condition that existed prior to the subdivision.

Robert Laplante: Rob, you have a 5 year plan? Is that accessible to the public?

Rob Desmarais: Yes, we're updating it right now. The 2015 plan is online and I can e-mail it to Nipun to distribute it to you all. We don't put the 5 year on the website, it makes people mad. It's a public document and available.

Ted Semesnyei: I think the more forms / data available to the public, the better things will be. It should tone down complaints from people who tend to misunderstand. I'd encourage that effort going forward.

Karen Solstad: Nipun, in the letter, its good to say that experts, peer review consultants, engineers and everything reviewed the project, but at the beginning, go back down to the simplest level, that PLB requirements state that there be no more impact or drainage off the property than the current state.

Nipun Jain: OK.

David Frick: I think you should go further, saying the engineers said that flows will be reduced in all storms from what there was. Nothing would be worse than current.

Nipun Jain: I will attach a copy of the developer's letter too. I would have one of you draft that letter, because I was going to keep it very simple. I won't make any statement which I cannot support, meaning I'm not a scientist, not an engineer, that can state and make those claims.

Scott Mandeville: Why don't we simplify it by saying the PLB has received and addressed your concerns and has acted within our jurisdiction to make sure the development meets all of the requirements...

Karen Solstad: Which is, in simple terms, the drainage off the property will be no more than it was before the development.

Rob Desmarais: The problem with that statement is that it is technically not true. You regulate only the peak run-off. So it is the peak flow rate, and the intent of that is, if the pipes are used to seeing ten cubic feet per second, they never see more than that. But the difference is, because you put in a retention pond, the volume is still more, or potentially more. That causes problems when you have complicated drainage systems with multiple basins flowing into them, those peaks can collide, because the timing is different and you can exacerbate drainage. But that is a complicated issue that doesn't apply in this situation. I'll work with Nipun on that letter. You don't want to say something that might be untrue.

Karen Solstad: I think it needs addressing because it is difficult for citizens to understand.

Robert Laplante: I think people are entitled to an informed response. The response should come from people who are informed. We are not engineers.

David Frick: I think that's why we should let Rob work with Nipun on it. This is getting out of hand in discussion, so I'm going to call an end to it until somebody makes a motion.

Motion was made by Robert Laplante that a letter be prepared to be signed by some city official, but that it be a co-responsibility of Nipun and Mr. Desmarais as director of public works, and I would feel much more secure if I were voting that we had both their both professionals' expertise. Motion was seconded by Howard Dalton, with the proviso of, I think what they should do is combine in a letter that should come from the mayor's office, and then that way, they can direct it back and down. It's going to go all over. This is the shotgun approach. 90% of these people aren't aggrieved because they don't even live near the project. Robert Laplante accepts Mr. Dalton's proposal and wishes to amend my proposal to include yours.

Nipun Jain: Before you vote on this motion, let me just recap. Two professionals from the city, DPW director for public works and city planner representing PLB, will write a response that will be recommended to be sent out by the mayor's office to the addressee.

Robert Laplante: I think you two gentlemen should be the mayor's designees.

Howard Dalton: Because if this goes to a legal issue, then the mayor is aware because he signed the letter and it comes back down that way.

Back to the motion vote, all in favor...unanimous.

Nipun Jain: One more issue on Evans Place, as you recall, the PLB, per their approval, had allowed the construction on Lot 13 to happen before the road was built, but unfortunately that lot was included in the covenant that was provided by the developer. I do have a release form for Lot 13, just purely an administrative action that PLB has to sign that release. Majority must sign it.

Besides that, I have some other decisions that PLB needs to sign.

David Frick: We got a memo a week or two ago, saying that they wanted you to cease and desist on Lot 13. I think it's important that if that is being resolved in the meantime that we just kind of get the memo stating the issue has been taken care of. We get this alarm going in our brains then we don't know it has been resolved.

Nipun Jain: It will be resolved when this gets released. Just vote to release Lot 13.

Motion of "so moved" by Ted Semesnyei and seconded by Howard Dalton. AIF.

Rick Saba: Developer: in the next meeting, I'd like to put in foundations prior to paving

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the road for a few lots. We can't build on them, obviously, but for purposes of getting foundation permits to put foundations on a few lots, that would be great.

Lars Johannessen: I understood earlier tonight that until the binder is down, we can't release lots for that.

Howard Dalton: In the past, we've allowed foundation permits, because they have divided out the lots. The lots are entities now.

Nipun Jain: But you have them on the covenant.

Howard Dalton: Well, he'd have to put some money up. Usually we had a bond or a passbook or something, but a lot of developers want to get foundations in so they can set them to the road, etc. and gives them a jump on doing stuff. We'd just need some surety.

Nipun Jain: That's the issue.

Rick Saba: If we could meet at the next meeting and update you all as to where we are at, we may find ourselves in a good position.

Scott Mandeville: If we can determine a feasible value for a bond, I'm ok with that.

Rick Saba: OK, so we'll come in on Dec. 28 for the meeting to update. Thank you.

108 Whitehall Road – Parking Lot Bond Release

Gardner Whitehall Realty Trust

Applicant: Matthew Gagnon

Nipun Jain: I recommend you release all bond money.

Motion by Lars Johannessen of “so moved.” Motion was seconded by Howard Dalton. AIF.

Bill Payment:

Stantec – 47.5 to 57 Kimball Road - Compliance Review

Invoice # 969474: \$3713.50

Review fee balance after payment of this invoice: \$2286.50

Motion was made to authorize David Frick to meet with the secretary on all bill payments to insure the figures are correct, then bring to PLB for approval.

This will be made more formal once I prepare this to bring to the PLB.

Motion was made to adjourn by Lars Johannessen. Motion was seconded by Ted Semesnyei. AIF.

Meeting was adjourned at 9:15 PM.